

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 13, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY JAY GULLETT,

Defendant.

No. 4:19-CR-06017-SAB-1

**ORDER DENYING MOTION  
FOR SENTENCE REDUCTION**

Before the Court are Defendant's Motions for Sentence Reduction Under 18 U.S.C. 3582(c)(1)(A) (Compassionate Release), ECF Nos. 84 and 93. Defendant is a federal inmate at FCI-Allenwood and is represented by Robin Emmans. The United States is represented by Benjamin Seal and Ian Garriques. The motions were considered without oral argument.

On November 4, 2020, Defendant plead guilty to Possession with Intent to Distribute 50 grams or more of Actual (Pure) Methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). On July 21, 2021, he was sentenced to 72 months imprisonment, with credit for time served, and 5 years supervised release. Defendant's projected release date is August 27, 2025. *See* BOP Inmate Finder, <https://www.bop.gov/inmateloc> (last visited August 6, 2024).

Defendant asks the Court to reduce his sentence of incarceration to time-served, or any amount the Court deems appropriate. Defendant states his mother requires medical assistance and help caring for his 12-year-old niece, who does not

**ORDER DENYING MOTIONS FOR SENTENCE REDUCTION # 1**

1 have any other family available to assist in her care. He also has served 80 percent  
2 of his sentence and has taken all available RDAP programing at his facility in  
3 Pennsylvania.

4 After reviewing the Section 3553(a) factors, caselaw, Defendant's Motions,  
5 and the United States' brief, the Court **denies** the motions for compassionate  
6 release.

### 7 **MOTION STANDARD**

8 Generally, a court may not modify a term of imprisonment once it has been  
9 imposed. 18 U.S.C. § 3582(c); *see also Dillon v. United States*, 560 U.S. 817, 824  
10 (2010) ("A judgment of conviction that includes a sentence of imprisonment  
11 constitutes a final judgment and may not be modified by a district court except in  
12 limited circumstances.") (internal alterations omitted). Compassionate release,  
13 however, provides an exception to this general rule in extraordinary cases. *See* 18  
14 U.S.C. § 3582(c)(1)(A). Prior to the enactment of the First Step Act in December  
15 2018, only the Bureau of Prisons (BOP) could raise the issue of compassionate  
16 release. The First Step Act modified 18 U.S.C. § 3582(c)(1)(A), however, with the  
17 intent of "increasing the use and transparency of compassionate release." Pub. L.  
18 No. 115–391, 132 Stat. 5194, at 5239. Section 3582(c)(1)(A) now allows a federal  
19 prisoner to seek compassionate release after exhausting all administrative remedies  
20 with the BOP.<sup>1</sup>

21 Section 3582(c)(1)(A) permits a court to reduce the term of imprisonment  
22 after considering the factors set forth in Section 3553(a), if it finds that  
23 "extraordinary and compelling reasons warrant such a reduction" and "that such a  
24 reduction is consistent with applicable policy statements issued by the Sentencing  
25 Commission." 18 U.S.C. § 3583(c)(1)(A). The purpose of compassionate release is

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27 <sup>1</sup> Defendant submitted a request to the Warden of FCI-Allenwood in April 2024.  
28 The Warden denied his request on May 24, 2024.

1 to provide a “safety valve with respect to situations in which a defendant’s  
2 circumstances had changed such at the length of continued incarceration no longer  
3 remained equitable.” *United States v. Chen*, 48 F.4th 1092, 1098–99 (9th Cir.  
4 2022).

5 Further, the Ninth Circuit has instructed that in deciding whether to grant a  
6 defendant’s motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i),  
7 district courts must consider (1) whether extraordinary and compelling reasons  
8 warrant such a reduction; and (2) the sentencing factors set forth in 3553(a) to the  
9 extent they are applicable. *United States v. Keller*, 2 F.4th 1278, 1283–84 (9th Cir.  
10 2021). Each step of this analysis qualifies as an independent ground to deny a  
11 motion for compassionate release. *United States v. Wright*, 46 F.4th 938, 947 (9th  
12 Cir. 2022). Defendant bears the burden of “establish[ing] his eligibility for  
13 compassionate release.” *Id.* at 951.

14 Congress has not provided a statutory definition of “extraordinary and  
15 compelling reasons.” *United States v. Aruda*, 993 F.3d 797, 800 (9th Cir. 2021)  
16 (per curiam).<sup>2</sup> In November 2023, the United States Sentencing Commission  
17 updated Section 3582 to further define what qualifies as “extraordinary and  
18 compelling reasons” for compassionate release. U.S.S.G. § 1B1.13 (last amended  
19 Nov. 1, 2023). It identified six circumstances that may reach the standard: (1)  
20 medical circumstances; (2) age; (3) family circumstances; (4) whether the  
21 defendant experienced abuse in custody; (5) alternate but similar reasons to 1–4;

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22  
23 <sup>2</sup> Instead, Congress instructed the United States Sentencing Commission that “in  
24 promulgating general policy statements regarding the sentencing modification  
25 provisions in section 3582(c)(1)(A) of title 18, [it] shall describe what should be  
26 considered extraordinary and compelling reasons for sentence reduction, including  
27 the criteria to be applied and a list of specific examples.” *Aruda*, 993 F.3d at 800  
28 (citing 28 U.S.C. §§ 944(t); 944(a)(2)(C)).

1 and (6) an unusually long sentence. However, the amendment is still informative  
2 and not binding for the district court. *Aruda*, 993 F.3d at 802.

### 3 ANALYSIS

4 First, Defendant has exhausted his administrative remedies by seeking  
5 release from the prison warden. The warden denied his request on May 24, 2024.

6 Second, to decide Defendant's compassionate release request, the Court  
7 must consider the sentencing factors set forth in 18 U.S.C. § 3553(a). These factors  
8 include the nature and circumstances of the offense, the history and characteristics  
9 of the defendant, and the need for the sentence imposed "(A) to reflect the  
10 seriousness of the offense, to promote respect for the law, and to provide just  
11 punishment for the offense; (B) to afford adequate deterrence to criminal conduct;  
12 (C) to protect the public from further crimes by the defendant; and (D) to provide  
13 the defendant with needed educational and vocational training, medical care, and  
14 other correctional treatment in the most effective manner." 18 U.S.C. § 3553(a)(2).  
15 The Court must impose a sentence that is sufficient but not greater than necessary  
16 to reflect the seriousness of the offense, promote respect for the law, provide just  
17 punishment, afford adequate deterrence, and protect the public. *United States v.*  
18 *Lizarraras-Chacon*, 14 F.4th 961, 966 (9th Cir. 2021) (citation omitted).

19 Defendant knowingly possessed methamphetamine with the intent to sell the  
20 drug. He was arrested in a motel parking lot and admitted to officers there were  
21 drugs in his trunk. He was aware of the crime and that he had possessed enough to  
22 distribute more than 50 grams of actual methamphetamine. He was drawn back  
23 into drug dealing after another prison sentence because he did not know of an  
24 alternative life.

25 Based on Defendant's acceptance of responsibility reduction, the USSG  
26 calculations resulted in a Total Offense Level of 31 and Criminal History Level V,  
27 with the resulting range of 168 – 210 months. The amount of drugs also triggered  
28 the 120-month mandatory minimum sentence.

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1 Pursuant to the parties' plea agreement, the United States agreed to  
2 recommend a sentence at the low end of the guideline range, allowing Defendant  
3 to argue for any legal sentence. The Court accepted the plea agreement and  
4 sentenced Defendant below the mandatory minimum to 72 months imprisonment,  
5 with credit for time served, and 5 years supervised release.

6 A review of Defendant's criminal history shows convictions for major  
7 crimes, including assault, robbery, unlawful firearm possession, and escape from  
8 detention. His longest prison term was 104 months. His Criminal History Category  
9 of V and return to drug dealing after his last prison sentence leads to concern for  
10 recidivism.

11 In reviewing the Section 3553(a) factors, Defendant's Motions, and the  
12 United States' brief, the Court finds Defendant is not entitled to a sentence  
13 reduction. The 72-month sentence Defendant received is sufficient but not greater  
14 than necessary to reflect the seriousness of his underlying offense, provide just  
15 punishment, and afford adequate deterrence to criminal conduct.

16 Though not required, the Court also considered whether Defendant's motion  
17 presented "extraordinary and compelling" circumstances under the new U.S.S.G.  
18 amendment. Defendant identifies his mother's deteriorating health, the need to find  
19 a stable caregiver for his niece, and the fact he has completed 80 percent of his  
20 term as his reasons for seeking relief. The Court finds the conditions and  
21 circumstances listed in Defendant's motion do not rise to the level of  
22 "extraordinary and compelling."

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motions for Sentence Reduction Under 18 U.S.C.  
3 3582(c)(1)(A) (Compassionate Release), ECF Nos. 84 and 93, are **DENIED**.

4 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
5 this Order and provide copies to counsel.

6 **DATED** this 13th day of August 2024.



11 A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

12 Stanley A. Bastian  
13 Chief United States District Judge  
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